UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/79/Add.26
3 November 1993

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

ICELAND

1. The Committee considered the second periodic report of Iceland (CCPR/C/46/Add.5) at its 1266th to 1268th meetings, held on 19 and 20 October 1993, and adopted 1/ the following comments:

A. Introduction

2. The Committee expresses its appreciation to the State party for its elaborate and thorough report, which has been prepared in accordance with the Committee's guidelines, and for engaging through a highly qualified delegation in an extremely constructive dialogue with the Committee. It notes with satisfaction that the information provided in the report, and that orally submitted by the delegation in reply to both written and oral questions, enabled the Committee to obtain a comprehensive view of Iceland's actual compliance with the obligations undertaken under the International Covenant on Civil and Political Rights. The Committee, however, regrets that the second periodic report, which was due in 1987, was submitted with considerable delay.

B. Factors and difficulties affecting the application of the Covenant

3. The Committee finds that there are no important difficulties which may affect the effective implementation of the Covenant's provisions by the Government of Iceland.

1/ At its 1281st meeting, held on 29 November 1993.

C. Positive aspects

4. The Committee welcomes the efforts undertaken by the Government of Iceland since the submission of the initial report in 1981 in order to effectively guarantee the protection of rights set forth in the Covenant. Of particular importance in this respect were the adoption and the entry into force on 1 July 1992 of a new law resulting in the total separation of judicial and executive power, as well as comprehensive legislation concerning extensive changes in the judicial system and rules governing judicial procedure; the establishment in 1988, in accordance with Law No.13/1987, of the Office of Ombudsman of the Althing (Parliament); and the revisions of the Equal Status Law of 1976.

5. In this connection, the Committee notes with satisfaction that the Law No. 28/1991 on Equal Status and Equal Rights of Women and Men has contributed towards equal rights of men and women in general, although there is still room for improvement in practice with regard to the remuneration for work. The Committee also notes with interest the establishment of the Equal Rights Council with the aim of ensuring the proper implementation of the Equal Rights Law and of recommending proposals to the authorities regarding gender equality. The announced establishment of Equal Rights Committees at the municipal level throughout the country to provide counsel to municipal governments would further serve the promotion of the equality of rights of men and women.

D. Principal subjects of concern

6. The Committee notes with concern that the Icelandic Constitution is lacking in clear and comprehensive provisions dealing with the protection of all fundamental human rights as recognized in the numerous international human rights treaties, in particular in the International Covenant on Civil and Political Rights, to which Iceland is a party. The absence is not met by reliance on unspecified unwritten fundamental rules. This does not adequately meet the requirements of article 2, paragraph 2, of the Covenant, which enjoins States parties to take such legislative or other measures which may be necessary to give effect to the rights recognized in the Covenant. No matter how effective the Icelandic constitutional tradition of relying on unwritten fundamental rules and principles may be, codification of the rules governing the protection of human rights is an important element of protection.

7. In this connection, the Committee expresses its concern over the status of the Covenant within the national legal order and the lack of clarity concerning the resolution of eventual conflicts between the Covenant and the Constitution and other domestic legislation.

8. The Committee also expresses its concern over the apparent preference accorded, in the domestic law as well as in legal doctrine and jurisprudence, to the European Convention for the Protection of Human Rights and Fundamental Freedoms as against the International Covenant on Civil and Political Rights. In that regard, the attention of the State party is drawn to the fact that the latter guarantees a number of human rights not protected under the former and that permissible restrictions are less broad-based.

9. The Committee hopes that the pending legislation relevant to article 13 will be formulated in such a way as to allow the reservation thereunder to be withdrawn.

10. The Committee notes that some other requirements of the Covenant are not fully met, in particular those referred to in articles 4, 9, paragraphs 3 and 4, 19 and 24, paragraph 2. The Committee also notes that confessions made under duress are not clearly excluded as evidence, that inhuman and degrading punishment is still possible, and that there is still discrimination against children born out of wedlock and in favour of public officials. The possibility of a sentence of up to one year's imprisonment for libel presents problems in relation to article 19, and the limitation imposed upon naturalized citizens in the retention of their names of origin raises issues under article 26. The attention of the state party has also been drawn to the various General Comments adopted by the Committee.

D. Suggestions and recommendations

11. The Committee recommends that the State party take appropriate measures to incorporate provisions of the Covenant into domestic law and ensure that the Covenant be treated on an equal footing with regional human rights instruments, both in legal and practical terms.

12. In that context, the Committee recommends that the Government of Iceland consider amending the National Constitution in order to reflect adequately the provisions of the International Covenant on Civil and Political Rights and other international human rights treaties ratified by Iceland. In the meantime, the Committee strongly recommends that the Covenant be included by way of appropriate amendments in the draft law envisaging the incorporation of the European Convention for the Protection of Human Rights and Fundamental Freedoms into domestic law, at present before the Althing (Parliament) or in a similar legislative act.

13. The Committee also recommends that the Government reviews the continuing need for any reservation, with a view to withdrawing them.

14. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

15. The Committee strongly recommends that the reporting obligations of the State party under article 40 of the Covenant be strictly observed and that the third periodic report be submitted within the time-limit to be determined by the Committee.

UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/79/Add.27
4 November 1993

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

Norway

1. The Committee considered the third periodic report of Norway (CCPR/C/70/Add.2) at its 1270th to 1272nd meetings, held on 21 and 22 October 1993, and adopted 1/ the following comments:

A. Introduction

2. The Committee welcomes the timely submission of the third periodic report of Norway. The report contains detailed information on laws and practices relating to the implementation of the Covenant and is in full conformity with the Committee's guidelines. The Committee appreciates that the State party has envisaged both the report and the dialogue with the Committee as an unbroken continuation of the examination of the initial and second periodic reports. The Committee is also grateful for the oral responses provided by the high-ranking delegation and considers that the dialogue with the State party has been most fruitful and constructive.

3. The Committee thanks the State party for the core document (HRI/CORE/1/Add.6), drawn up in accordance with the consolidated guidelines for the initial part of States party reports to be submitted under the various international human rights instruments (HRI/1991/1).

1/ At its 1282nd meeting (forty-ninth session), on 29 October 1993.

B. Factors and difficulties affecting the implementation of the Covenant

4. The Committee notes the emergence in certain parts of the population of Norway of a trend towards intolerance against foreigners, particularly asylum-seekers and migrant workers.

With this exception, the Committee notes that there are no important difficulties affecting the implementation of the Covenant in Norway.

C. Positive aspects

5. The Committee takes note, with particular appreciation, of the level of achievement in the respect of human rights in Norway. Among the positive developments that have been realized since the consideration of the second periodic report in 1988, the Committee notes, inter alia, the ratification of the Second Optional Protocol to the Covenant on the abolition of the death penalty and the efforts undertaken with regard to the promotion of greater public awareness of the provisions of the Covenant and the Optional Protocols, particularly in the area of human rights education in schools and universities and through the organization of training courses for members of the police and other law enforcement officials. While noting that it is still not possible to appeal against the reversal by the Court of Appeal of an acquittal by a lower jurisdiction, the Committee also appreciates the efforts made towards the withdrawal of Norway's reservation in connection with article 14, paragraph 5, of the Covenant.

6. The Committee notes with satisfaction that independent investigative bodies have been set up to inquire into complaints of offences by members of the police and that their reports have been followed up by a number of prosecutions. It further commends the devolution of responsibility to the Sami Assembly (Sametinget) with regard to matters affecting the life and culture of members of the Sami community and notes with satisfaction that the Sami language may be used in contacts with public bodies and before the courts.

7. With respect to equality and non-discrimination, developments relating to the granting to foreigners of the right to vote in local elections and to hold local office as well as legislative steps relating to the registration of partnership of the same sex are welcomed by the Committee. The continuing improvements in the legal and de facto equality of women and the strengthened measures against domestic violence and sexual abuse of children were also noted with satisfaction.

D. Principal subjects of concern

8. Despite efforts undertaken with regard to the status of the Covenant within domestic law, the Committee regrets that the opportunity has not been taken to fully incorporate the provisions of the Covenant into the Constitution, or otherwise to confer on it a higher status than ordinary legislation.

The Committee also notes that certain obsolete laws still exist in Norway, in particular with regard to penal sanctions against defamation.

9. The Committee expresses its concern over the vagueness of the criterion of "compelling social considerations" under which a foreign national's right to choose his or her place of residence may be restricted and its conformity with article 12 of the Covenant.

10. The Committee emphasizes that article 2 of the Constitution which provides that individuals professing the Evangelical-Lutheran religion are bound to bring up their children in the same faith is in clear contradiction with article 18 of the Covenant.

11. The Committee notes that the authorities have included multicultural issues in education but is concerned that they have approached these issues only by reference to articles 2 and 26 of the Covenant. This gives a narrow interpretation of article 27 of the Covenant relating to the rights of persons belonging to minorities. The Committee has observed, in this regard, that the rights conferred under article 27 of the Covenant on individuals who are members of a minority avail all such individuals on a State party's territory and must not, as enjoined by article 2, paragraph 1, of the Covenant, be restricted to nationals.

E. Suggestions and recommendations

12. The Committee recommends that further measures should be adopted to repeal outdated provisions in the Constitution or in laws relating to the freedom of conscience and religion or the freedom of expression and bring them into line with the provisions of the Covenant.

13. The Committee recommends that a careful study of the recently enacted amendment to the Criminal Procedure Act be undertaken with regard to the scope of article 14, paragraph 5, of the Covenant, with a view to withdrawing the reservation made in that connection.

14. The Committee recommends that the laudable efforts already made in connection with the promotion of greater public awareness of the provisions of the Covenant and the Optional Protocols should be further pursued.